

**APPENDIX C**

**CONSULTATIONS  
ON  
THREATENED AND ENDANGERED SPECIES  
AND  
BIOLOGICAL ASSESSMENT**

Oak Ridge Operations Office  
P.O. Box 2001  
Oak Ridge, Tennessee 37831—

Dr. Lee A. Barclay  
Field Supervisor  
Fish and Wildlife Service  
U.S. Department of Interior  
446 Neal Street  
Cookeville, Tennessee 38501

**INFORMAL CONSULTATION UNDER SECTION 7 OF THE ENDANGERED SPECIES ACT FOR THE PROPOSED OAK RIDGE NATIONAL LABORATORY FACILITIES REVITALIZATION PROJECT**

The preferred sites alternative for the construction of new facilities are mostly existing parking lots that are cleared of vegetation (see enclosure). Therefore, minimal amounts of site clearing, excavation, and leveling would take place in uncleared areas. An approximately 25 acres Greenfield site (see enclosure), which is located immediately north of Bethel Valley Road, has been selected as an alternate site for the construction of new structures, parking lots, and extended utilities. This area, which is undeveloped and undisturbed, is irregularly contoured and is populated with various deciduous and evergreen trees.

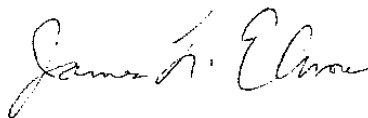
This letter serves as informal consultation under Section 7 of the Endangered Species Act. In this regard, DOE requests an updated list of protected species that might be impacted by the proposed action and solicits your recommendations and comments about the potential effects of this action. Your input will be used in the preparation of the Environmental Assessment.

Dr. Lee A. Barclay

2

If you need further information on this request, please do not hesitate to call me at (865) 576-0938.

Sincerely,

A handwritten signature in cursive script, appearing to read "James L. Elmore".

James L. Elmore, Ph.D.  
Alternate NEPA Compliance Officer

Enclosure

cc w/o enclosure:  
Mark Belvin, SE-32



## Department of Energy

Oak Ridge Operations Office  
P.O. Box 2001  
Oak Ridge, Tennessee 37831—

December 7, 2000

Dr. Andrew Barrass, Ph.D.  
Environmental Review Coordinator  
Division of Natural Heritage  
State of Tennessee  
Department of Environment and Conservation  
401 Church Street  
Nashville, Tennessee 37243-0443

Dear Dr. Barrass:

### **CONSULTATION CONCERNING STATE-LISTED SPECIES FOR THE PROPOSED OAK RIDGE NATIONAL LABORATORY FACILITIES REVITALIZATION PROJECT**

The Department of Energy (DOE) proposes to utilize a combination of DOE, private sector, and state of Tennessee funds to upgrade and to construct new facilities in an integrated research campus approach to provide office and light laboratory space for research needs. This initiative is part of the management and operating contractor's Facilities Revitalization Project for the Oak Ridge National Laboratory (ORNL) that would result in upgrading existing facilities and the construction of new ones.

The preferred sites alternative for the construction of new facilities are mostly existing parking lots that are cleared of vegetation (see enclosure). Therefore, minimal amounts of site clearing, excavation, and leveling would take place in uncleared areas. An approximately 25 acres Greenfield site (see enclosure), which is located immediately north of Bethel Valley Road, has been selected as an alternate site for the construction of new structures, parking lots, and extended utilities. This area, which is undeveloped and undisturbed, is irregularly contoured and is populated with various deciduous and evergreen trees.

Surveys for listed plant species, primarily associated with White Oak Creek and its tributaries to the east and First Creek to the west of the ORNL complex, have been undertaken for the proposed action. No listed plant species or high quality plant communities were observed and the proposed action is not expected to adversely impact wetlands.

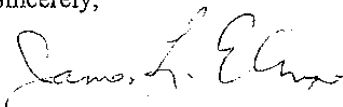
This letter is intended to serve as a request for an updated list of state-protected species that may occur on and in the vicinity of the proposed new facilities and to solicit your recommendations and comments about the potential effects of this proposed action. Your input will be used in the preparation of the environmental assessment. A prompt reply would be appreciated.

Dr. Andrew Barrass, Ph.D.

2

If you need further information on this request, please do not hesitate to call me at (865) 576-0938.

Sincerely,

A handwritten signature in dark ink, appearing to read "James L. Elmore". The signature is fluid and cursive, with the first name "James" and last name "Elmore" clearly distinguishable.

James L. Elmore, Ph.D.  
Alternate NEPA Compliance Officer

Enclosure

cc w/o enclosure:  
Mark Belvin, SE-32



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

446 Neal Street  
Cookeville, TN 38501

January 9, 2001

Mr. James L. Elmore, Ph.D.  
U.S. Department of Energy  
Oak Ridge Operations Office  
P.O. Box 2001  
Oak Ridge, Tennessee 37831

Dear Dr. Elmore:

Thank you for your letter and enclosure of December 7, 2000, regarding the preparation of an Environmental Assessment (EA) for the implementation of the Facilities Revitalization Project for the Oak Ridge National Laboratory in Roane County, Tennessee. U.S. Fish and Wildlife Service (Service) personnel have reviewed the information submitted and offer the following comments for consideration.

According to our records, the gray bat (*Myotis grisescens*) and Indiana bat (*Myotis sodalis*), federally listed endangered species, may occur near the proposed project.

Qualified biologists should assess potential impacts and determine if the proposed project may affect the species. We recommend that you submit a copy of your assessment and finding to this office for review and concurrence. A finding of "may affect" could require the initiation of format consultation procedures.

These constitute the comments of the U.S. Department of the Interior in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

We appreciate the opportunity to comment. Should you have any questions or need further assistance, please contact Steve Alexander of my staff at 931/528-6481, ext. 210, or via e-mail at [steven\\_alexander@fws.gov](mailto:steven_alexander@fws.gov).

Sincerely,

Lee A. Barclay, Ph.D.  
Field Supervisor

OFFICIAL FILE COPY  
AMESQ

Log No. 8518  
Date Received JAN 16 2001  
File Code \_\_\_\_\_



**Department of Energy**

Oak Ridge Operations Office  
P.O. Box 2001  
Oak Ridge, Tennessee 37831—

March 7, 2001

Dr. Lee A. Barclay, Ph.D.  
Field Supervisor  
Fish and Wildlife Service  
446 Neal Street  
Cookeville, Tennessee 38501

Dear Dr. Barclay:

**ADDITIONAL INFORMAL CONSULTATION UNDER SECTION 7 OF THE  
ENDANGERED SPECIES ACT FOR THE PROPOSED OAK RIDGE NATIONAL  
LABORATORY FACILITIES REVITALIZATION PROJECT**

Thank you for your prompt reply to my letter of December 7, 2000, concerning the Facilities Revitalization Project for the Oak Ridge National Laboratory. As you requested, the Department of Energy (DOE) has prepared a Biological Assessment (BA) for the two federally listed species identified in your January 9, 2001 letter.

The enclosed BA is submitted for your review and concurrence. Based on the BA, DOE has determined that the proposed upgrade of old facilities and construction of new facilities on the Oak Ridge National Laboratory (ORNL) property designated for Facilities Revitalization is not likely to adversely affect either of the listed species. Results of the BA will be summarized in the text of the Environmental Assessment (EA) for the project and the BA will be appended to the EA.

Following your review of the BA, please check the appropriate concurrence block and sign below. Please fax your concurrence to me at (865) 576-0746 as soon as possible, so that we may expeditiously complete the EA. If you need further information or wish to discuss the BA, please call me at (865) 576-0938. Thank you in advance for your prompt reply.

Sincerely,

A handwritten signature in cursive script, reading "James L. Elmore", is positioned above the typed name.

James L. Elmore, Ph.D.  
Alternate NEPA Compliance Officer

Enclosure

cc:  
Mark Belvin, SE-32

Letter to Dr. Lee A. Barclay, Ph.D.

Subject: **ADDITIONAL INFORMAL CONSULTATION UNDER SECTION 7 OF THE  
ENDANGERED SPECIES ACT FOR THE PROPOSED OAK RIDGE  
NATIONAL LABORATORY FACILITIES REVITALIZATION PROJECT**

- ☐ This Biological Assessment supports the conclusion that the upgrade of old facilities and construction of new facilities on the ORNL property designated for Facility Revitalization would not adversely impact federally listed protected species and/or habitat. With this BA, DOE has satisfied consultation requirements of Section 7 of the Endangered Species Act.
  
- ☐ This Biological Assessment does not support the conclusion that the upgrade and construction on the ORNL property designated for Facility Revitalization would not adversely impact federally listed protected species and/or habitat. DOE has not satisfied consultation requirements of Section 7 of the Endangered Species Act.

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Signature

Date

Place Holder for  
BIOLOGICAL ASSESSMENT  
submitted February 2001

The assessment was modified only slightly, and the final Biological Assessment  
appears in full at the end of this Appendix.



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

446 Neal Street  
Cookeville, TN 38501

April 19, 2001

OFFICIAL FILE COPY  
AMESQ

Log No. 16588

Date Received APR 20 2001

File Code \_\_\_\_\_

Mr. James L. Elmore, Ph.D.  
U.S. Department of Energy  
Oak Ridge Operations Office  
P.O. Box 2001  
Oak Ridge, Tennessee 37831

Dear Dr. Elmore:

Thank you for your letter and enclosure of March 7, 2001, transmitting the draft Biological Assessment (BA) for the implementation of the Facilities Revitalization Project for the Oak Ridge National Laboratory (ORNL) in Roane County, Tennessee. This draft BA includes an evaluation of potential effects to the Federally endangered gray bat (*Myotis grisescens*) and Indiana bat (*Myotis sodalis*). U.S. Fish and Wildlife Service (Service) personnel have reviewed the draft BA and offer the following comments for consideration.

New information made available to the Service indicates that during a recent assessment, three unidentified bat species were found at the K-25 and K-27 buildings at the East Tennessee Technology Park (ETTP). The assessment activities were in response to comments made by the Service for the proposed Decontamination and Decommissioning activities at ETTP. These three specimens were collected dead, and one had significant radiological contamination. While we recognize that this BA only covers activities associated with facilities revitalization at the ORNL, it is clear that bats may utilize buildings throughout the Oak Ridge Reservation (ORR) for potential roost sites. Accordingly, this specific BA should be revised to indicate the potential occurrence of bats and methodologies developed to adequately survey buildings at ORNL. If this BA is revised to reflect the potential for buildings at ORNL to serve as bat roosts, we could concur with your "not likely to adversely affect" finding provided adequate surveys are performed of all buildings proposed for the revitalization project.

Since a dead Federally endangered gray bat was collected at Y-12 and the existence of a bachelor colony or migratory roost in Little Turtle Cave has been documented, we recommend that comprehensive surveys of the entire ORR be performed to determine the potential use of the reservation by this species. ORNL personnel have also documented suitable summer roosting habitat for the Federally endangered Indiana bat on the ORR. We are aware of only two formal investigations having been performed on the reservation, those being in 1992 and 1997. These mist-netting surveys were conducted on the Lower East Fork Poplar Creek by ORNL and Tennessee Technological University personnel. These investigations were limited in scope, and the results

utilized in preparation of the Environmental Assessment for the ED-1 parcel. The 1993 investigation was conducted in less than ideal weather conditions, and not conducive to bat foraging activity.

If a comprehensive investigation of the ORR is performed, we recommend that a BA be prepared which considers the potential impacts of the wide array of activities which occur on the ORR (e.g., Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) clean-up, Decontamination and Decommissioning, and normal operations and maintenance) to these species. The BA should also consider all potential exposure scenarios of ORR contaminants to both species.

Under separate cover, we will transmit the analytical results for the gray bat which was collected in the Beta 3 building at Y-12 in 1994. This information could be utilized to assist in the assessment of the potential for exposure of site-related contaminants to the gray bat and Indiana bat. Since the Paducah Gaseous Diffusion Plant (PGDP) is also part of the Oak Ridge Operations office, we will transmit analytical results for a Little brown bat (*Myotis lucifugus*) and Eastern red bat (*Lasiurus borealis*) which were mist-netted at PGDP in 1999 and 2000.

The Service is interested in obtaining the non-radiologically contaminated specimens collected at ETPP. These specimens would be identified and submitted for contaminant analyses. If sufficient bone, hair, and soft tissue sample volume remains, we recommend that the radiologically contaminated specimen be analyzed at ORNL for trans-uranics, inorganic, and organic contaminants known to be present on the ORR. Since these specimens are relatively small and sample volumes for trans-uranic analyses could be a limiting factor for other contaminants of interest, we recommend that the trans-uranic analyses be performed by ICP-MS methodologies.

These constitute the comments of the U.S. Department of the Interior in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended: 16 U.S.C. 1531 et seq.). We appreciate the opportunity to comment. Should you have any questions or need further assistance, please contact Steve Alexander of my staff at 931/528-6481, ext. 210, or via e-mail at [steven\\_alexander@fws.gov](mailto:steven_alexander@fws.gov).

Sincerely,



Lee A. Barclay, Ph.D.  
Field Supervisor

xc: Joe Johnston, FWS, Atlanta  
Allen Robison, FWS, Atlanta  
Rod Nelson, DOE, Oak Ridge  
Don Seaborg, DOE, Paducah  
Gary Myers, TWRA, Nashville  
C. Tom Bennett, KDFWR, Frankfort  
Constance Jones, EPA, Atlanta

Endangered Species Act

## **BIOLOGICAL ASSESSMENT**

**Oak Ridge National Laboratory**

**Strategic Facilities Plan**

**Oak Ridge Reservation**

**Anderson and Roane Counties, Tennessee**

Prepared by

Dr. J. Warren Webb

Wildlife Management Coordinator, Oak Ridge Reservation

MAY 2001

U. S. Department of Energy

Oak Ridge Operations Office

Oak Ridge, TN

May 2001

**BIOLOGICAL ASSESSMENT FOR  
THREATENED AND ENDANGERED SPECIES  
UNDER SECTION 7 OF THE ENDANGERED SPECIES ACT  
FOR A STRATEGIC FACILITIES PLAN**

**SUMMARY**

This biological assessment (BA) assesses potential impacts on federally listed plant and animal species that could result from the construction and operation of new facilities for Oak Ridge National Laboratory (ORNL) on the Oak Ridge Reservation (ORR). The species considered in this BA are the endangered gray and Indiana bats, as listed in a letter from the U.S. Fish and Wildlife Service to the U.S. Department of Energy, dated January 9, 2001 (FWS 2001).

DOE staff concludes, for the reasons described in the main text of this BA, that the project is not likely to adversely affect either species. Also, since no proposed or designated critical habitats are present on or near the locations where activities would occur, none would be affected. In order to ensure protection of endangered bats, DOE will complete a bat survey of buildings prior to demolition of buildings within the scope of the proposed revitalization project. This bat survey will only be performed for buildings proposed to be demolished between April 1 and October 15.

**PROJECT DESCRIPTION**

The following brief description, except as noted, is extracted from the draft Environmental Assessment (EA) for the project (DOE 2001). Of the four alternatives considered in the EA, one is No Action, and a second is Remodeling of existing facilities. Neither of these alternatives would affect wildlife, including listed species; thus, they are not considered further. The remaining two alternatives are briefly described below.

Alternative 3 in the draft EA (DOE 2001) is to remodel existing and to construct new facilities on brownfield sites at ORNL. Brownfield sites are previously contaminated and/or developed areas; in the present case, all of the proposed activities would occur on previously developed or heavily disturbed areas. Up to 25 new facilities would be constructed in close proximity to the existing ORNL strategic

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research facilities. The expected footprint is shown in the EA (DOE 2001, Figures 3.3-1 through 3.3-4). Also, ORNL staff currently at Y-12 would be relocated to ORNL and their current workspace diverted to other uses (deactivation). Thus, this BA addresses locations at Y-12, at the developing SNS site, and at ORNL (the sites). Several currently used buildings are being considered for removal within a 10-year period: buildings 2019, 2000, 2001, 2024, 3550 and 5000 (DOE 2001).

Alternative 4 in the draft EA (DOE 2001) is to remodel existing ORNL facilities and to construct new facilities on a greenfield site. Greenfield sites are natural, relatively undeveloped or uncontaminated areas. Up to 20 ha (50 acres) of land north of Bethel Valley Road, currently unoccupied by buildings, would be the site for the new structures, parking lots, and other facilities described in the EA. The site is the approximately 20-ha area surrounding the former ORNL Visitor's Overlook, extending westward from the Bethel Cemetery to just west of the turn-in to the overflow parking lot.

#### **ECOLOGICAL DESCRIPTION OF THE SITES**

The following brief description is taken from DOE (2001), verified with field reconnaissance by the author (J. W. Webb, ORNL, personal observations, February, 2001). For Alternative 3 (Remodel and Construct on Brownfield Site), the proposed development areas occur within and/or adjacent to existing industrialized areas in Bethel and Melton valleys and on the Chestnut Ridge SNS site. Deactivation activities would also occur at the industrialized Y-12 National Security Complex. These areas are all highly disturbed and, where vegetation is present, almost entirely maintained by mowing. Stream channels (White Oak Creek and its tributaries) and riparian zones have been highly disturbed. Trees when present (mainly along drainages) are generally less than 20 cm diameter at breast height (dbh) and do not have loose bark as required by roosting Indiana bats. There are fewer fish species in these streams compared to less disturbed locations on the ORR. In the area north of the existing 4500 building there is a small drainage and wetland area. The wetland area includes a small pond with cattails and an adjacent area dominated by small black willows. Also, the proposed new parking area on the south side of the East Campus is adjacent to an area of high quality forest on Haw Ridge and a stream. Extending the proposed parking lot beyond the currently cleared area would impact this forest and stream.

May 2001

For Alternative 4 (Remodel and Construct on Greenfield Site), new buildings would be constructed on the approximately 20 ha (50 acres) surrounding the former ORNL Visitor's Overlook. (If some other area were picked for Alternative 4, additional evaluation would be required.) Vegetation on this xeric site is developed on thin soils over shale and on shale outcrop. Vegetation consists of planted grass adjacent to Bethel Valley Road, elsewhere mixed conifer (juniper and pine)/hardwood forest, planted pine, and cedar barrens. The site is dominated by conifers, and many of the pines have been killed by southern pine beetles. Trees are mostly sapling to pole size and less than 20 cm diameter. In a reconnaissance check, no suitable roost trees (large trees with loose bark) were seen. There are no blue-line streams on the area shown on the S-16A topographic map for the ORR; the only drainages seen on a reconnaissance check were narrow and dry.

#### **LISTED SPECIES AND POTENTIAL IMPACTS OF THE PROJECT**

The known instances of these two federally listed species occurring on the ORR and the potential impacts on them if Alternatives 3 or 4 were carried out are summarized below. Fuller general biological accounts of the species are presented in a recent BA previously transmitted to FWS (Webb 2000), derived from Harvey (1992).

##### **Gray Bat (*Myotis grisescens*)**

The endangered gray bat roosts almost exclusively in caves. Harvey, et al. (1999) wrote of gray bats that "Few have been found roosting outside caves." There are no caves on the proposed sites for either Alternative 3 or Alternative 4. Gray bats forage over water, mostly along rivers, large creeks, and lakes. There is no suitable foraging habitat on the proposed sites where activities would take place; however, suitable foraging habitat exists on White Oak Lake, downstream of ORNL, and possibly on lower White Oak Creek and Melton Branch, also downstream. For Alternative 3, the one pond on the ORNL site is too small for gray bat foraging, and the small streams are heavily disturbed, channelized, and re-routed. There is no permanent drainage on the area designated for Alternative 4.

The nearest caves are more than one km from any site where activities would occur. Walker Branch cave and Big and Little Turtle caves were surveyed by Mitchell et al. (1996) and no gray bats were found. There is an unverified report of ten gray bats roosting in Little Turtle cave in September,

May 2001

1996, as discussed by Webb (2000). If indeed these were gray bats, they quite likely were bachelor males en route to a hibernation site. Thus, it does not appear that a permanent roost cave exists anywhere near the location of any alternative for the proposed project. Moreover, for Alternative 3, noise from construction and operation would not appreciably alter the environment beyond what already takes place at this industrialized site.

In November 1994 a single dead gray bat was found in a display case in a building at the Y-12 plant. This individual was probably an isolated juvenile which became lost, disoriented, and trapped. In August 1995 a live bat was found in a building at Y-12, but it was released before a positive identification was made. Based on the attachment of the wing membrane to the ankle as shown in photographs of this specimen, I do not think it was a gray bat (Webb, personal observations.)

Mist netting, in which I assisted, was conducted by Harvey on the lower portion of East Fork Poplar Creek and its tributaries in May 1992 and again in May - June 1997 (Harvey 1997). The 1997 survey included portions of lower Bear Creek near its confluence with lower East Fork Poplar Creek, several km from ORNL and Y-12. The creeks in this area provided good potential gray bat foraging habitat and excellent Indiana bat summer roosting and foraging habitat at the time of the surveys. No gray or Indiana bats were recorded among six species captured.

Because only one gray bat has been positively identified from the ORR and because no suitable habitat is present where activities would take place, I conclude that the project is unlikely to adversely affect the gray bat.

**Indiana bat (*Myotis sodalis*)**

Indiana bats hibernate in limestone caves. As reported above, there are no caves on or near (less than 1 km) the proposed sites. Summer roosting-habitat criteria for Indiana bats are frequently revised as more is discovered about this species' habits. The most recent information applicable for the region is available from the FWS Cookeville Office ("Components of Suitable Habitat for the Endangered Indiana Bat") In general, Indiana bats establish summer maternity and sometimes male night roosts or bachelor colonies under the loose bark of large, usually hardwood trees (> 20 cm diameter). Maternity colonies use several primary roost trees that are occupied by a majority of the bats most of the summer, and a number of secondary roosts that are used intermittently and by fewer bats, especially during periods of precipitation or extreme temperatures. Thus, there may be more than a dozen roosts used at a time by

May 2001

some Indiana bat maternity colonies. Female Indiana bats may change roosts about every three days, and a group of these bats may use more than 17 different trees in a single maternity season (Kurta et al. 1996). There are no occurrences of multiple suitable trees on the sites where activities would occur. The greenfield site for Alternative 4 has mostly small deciduous trees and many relatively small conifers (juniper and pine). No maternity roosts have been located on the ORR and the only record of Indiana bats on the ORR is from a single specimen in the 1950s (Webb 2000). During mist netting on lower East Fork Poplar Creek and its tributaries, described above for gray bats and in Harvey (1997), no Indiana bats were captured out of six species recorded. Foraging habitat on the proposed sites is suboptimal as described above for gray bat.

Because the Indiana bat is not now known to occur on the ORR, because suitable roosting habitat is not present on the sites where activities would occur, and because foraging habitat is absent or suboptimal, I conclude that the project as proposed would be unlikely to adversely affect the Indiana bat.

In order to ensure protection of endangered bats, DOE will complete a bat survey of buildings prior to demolition of buildings within the scope of the proposed revitalization project. Qualified personnel will conduct this bat survey. This bat survey will only be performed for buildings proposed to be demolished between April 1 and October 15. If any endangered species are found, appropriate consultation with the Fish and Wildlife Service will be undertaken (personal communication to J. W. Webb, ORNL from M. Belvin, DOE).

May 2001

**REFERENCES:**

- DOE (U.S. Department of Energy). 2001. Environmental Assessment for the Oak Ridge National Laboratory Facilities Revitalization Project (DRAFT). DOE/EA-1362, January, 2001.
- FWS (U. S. Fish and Wildlife Service, Department of Interior). 2001. Letter from Dr. Lee A. Barclay, FWS, to Dr. James L. Elmore, DOE, January 9.
- Harvey, Michael J. 1992. *Bats of the Eastern United States*. Arkansas Game and Fish Commission and U.S. Fish and Wildlife Service. February. 46 pp.
- Harvey, Michael J. 1997. Survey for endangered and threatened bats on Parcel ED-1, Oak Ridge Reservation. July. 24 pp.
- Harvey, M. J., J. S. Altenbach, and T. L. Best. 1999. Bats of the United States. Arkansas Game and Fish Commission and U.S. Fish and Wildlife Service. 64 pp.
- Kurta, A., K. J. Williams, and R. Mies. 1996. Ecological, behavioural, and thermal observations of a peripheral population of Indiana bats (*Myotis sodalis*). Pages 102-117, in R. M. R. Barclay and R. M. Brigham, editors. Bats and Forests Symposium. Research Branch, Ministry of Forests, Province of British Columbia, Victoria, British Columbia.
- Mitchell, J. M., E. R. Vail, J. W. Webb, J. W. Evans, A. L. King, and P. A. Hamlett. 1996. Survey of protected terrestrial vertebrates on the Oak Ridge Reservation, Final Report. Oak Ridge National Laboratory, Oak Ridge, Tennessee, ES/ER/TM-188-R1.
- Webb, J. W. 2000. Biological Assessment for Threatened and Endangered Species [Gray and Indiana Bats] under Section 7 of the Endangered Species Act for a Field Research Center, NABIR Program. February.



## United States Department of the Interior

## FISH AND WILDLIFE SERVICE

446 Neal Street  
Cookeville, TN 38501

May 11, 2001

OFFICIAL FILE COPY

AMESQ

Log No.

18209

Date Received

MAY 15 2001

File Code

Mr. James L. Elmore, Ph.D.  
U.S. Department of Energy  
Oak Ridge Operations Office  
P.O. Box 2001  
Oak Ridge, Tennessee 37831

Dear Dr. Elmore:

Thank you for your letter and enclosure of May 3, 2001, transmitting the revised draft Biological Assessment (BA) for the implementation of the Facilities Revitalization Project for the Oak Ridge National Laboratory (ORNL) in Roane County, Tennessee. This revised draft BA includes an evaluation of potential effects to the Federally endangered gray bat (*Myotis grisescens*) and Indiana bat (*Myotis sodalis*), and a commitment by the Department of Energy to survey buildings for potential usage by bats prior to their demolition. U.S. Fish and Wildlife Service (Service) personnel have reviewed the draft BA and offer the following comments for consideration.

The BA is adequate and supports the conclusion of not likely to adversely affect, with which we concur. In view of this, we believe that the requirements of Section 7 of the Endangered Species Act (Act) have been fulfilled and that no further consultation is needed at this time. However, obligations under Section 7 of the Act must be reconsidered if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered in this biological assessment, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

These constitute the comments of the U.S. Department of the Interior in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended: 16 U.S.C. 1531 et seq.). We appreciate the opportunity to comment. Should you have any questions or need further assistance, please contact Steve Alexander of my staff at 931/528-6481, ext. 210, or via e-mail at [steven\\_alexander@fws.gov](mailto:steven_alexander@fws.gov).

Sincerely,

Lee A. Barclay, Ph.D.  
Field Supervisor

xc: Joe Johnston, FWS, Atlanta  
Allen Robison, FWS, Atlanta  
Rod Nelson, DOE, Oak Ridge

Dr. Lee A. Barclay, Ph.D.

2

May 3, 2001

Subject:

**ADDITIONAL INFORMAL CONSULTATION UNDER SECTION 7  
OF THE ENDANGERED SPECIES ACT FOR THE PROPOSED  
OAK RIDGE NATIONAL LABORATORY FACILITIES  
REVITALIZATION PROJECT**

- ☒ This Biological Assessment supports the conclusion that the upgrade of old facilities and construction of new facilities on the ORNL property designated for Facility Revitalization would not adversely impact federally listed protected species and/or habitat. With this BA, DOE has satisfied consultation requirements of Section 7 of the Endangered Species Act.
- ☐ This Biological Assessment does not support the conclusion that the upgrade and construction on the ORNL property designated for Facility Revitalization would not adversely impact federally listed protected species and/or habitat. DOE has not satisfied consultation requirements of Section 7 of the Endangered Species Act.

Signature

*Lee A. Barclay*

5/11/01  
Date